
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

JON TELFORD MCBRIDE,

Defendant.

MEMORANDUM DECISION AND
ORDER DENYING MOTION TO QUASH
OR MODIFY SUBPOENA TO TESTIFY

Case No. 1:13-CR-27 TS

District Judge Ted Stewart

This matter is before the Court on Movant Steven Botwinick's Motion to Quash or Modify Subpoena to Testify.¹ For the reasons discussed more fully below, the Court will deny the Motion.

Under Federal Rule of Criminal Procedure 17(c)(2), "the court may quash or modify [a] subpoena if compliance would be unreasonable or oppressive."

Movant seeks to quash or modify the subpoena compelling Movant's presence at trial, to testify in this matter. Movant argues that the subpoena is unreasonable and oppressive because his appearance in this matter requires Movant to travel a significant distance and poses a significant hardship to his employment. Movant's employment involves tax filings and he argues that it is unreasonable and oppressive to compel his appearance, given the significant work associated with upcoming tax deadlines on September 15, 2014, and October 15, 2014. Moreover, Movant argues that his presence at trial would be of minimal use to the government

¹ Docket No. 39.

because Movant's knowledge of the facts pertinent to this matter is limited and already reflected in the documents provided to the government.

In opposing the Motion, the government asserts that Movant's testimony is necessary to present the government's case. Moreover, the government argues that it has attempted to limit the burden on Movant by arranging for Movant's testimony to occur after the September 15 deadline.

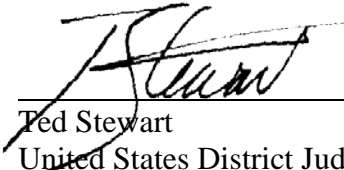
The Court acknowledges the inconvenience that Movant's appearance will involve. Nonetheless, the Court finds that compelling Movant's appearance at trial is not unreasonable or oppressive in this case. Therefore, the Court will deny the Motion. If the parties can agree to schedule Movant's testimony at a particular time during trial, however, the Court would be amenable to such a request.

It is hereby

ORDERED that Movant's Motion to Quash or Modify Subpoena to Testify (Docket No. 39) is DENIED.

DATED this 28th day of August, 2014.

BY THE COURT:



Ted Stewart
United States District Judge